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Keith D. Karnes OSB # 03352
Olsen, Olsen & Daines
1599 State St.
P.O. Box 12829
Salem, OR 97309-0829
(503)362-9393

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Danny and JoAnn Sinclair,

Plaintiffs,

v.

Giove Law Office, P.C.; and Providian
Bancorp Services

Defendants.

Case No. 05-3003-CO
Complaint for Violation of Fair Debt
Collection Practices Act.

JURY REQUESTED

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiffs, Danny and JoAnn Sinclair, natural consumers, against Defendant, Giove Law Office, P.C., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* (herein "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Venue in this District is proper because Defendant conducts business in Oregon and the conduct complained of occurred within the District.

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III. PARTIES

3. Plaintiffs are natural persons, husband and wife, residing in Grants Pass, Oregon.

4. Defendant is a New York corporation with its principal place of business located in Niagra Falls, New York. Defendant is not licensed to do business in the state of Oregon. The principal purpose of Defendant is the collection of debts and defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the telephone. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Defendant Providian hired Defendant Giove to collect the debt Plaintiffs owes Defendant.

7. On May 25, 2004, employee for Defendant contacted Plaintiffs four times.

8. On May 26, 2004, employee for Defendant contacted Plaintiffs four times.

9. On June 03, 2004, employee for Defendant contacted Plaintiffs two times.

10. Plaintiffs received a demand for payment from Defendant. The correspondence stated "In the event you continue to ignore your obligation, this office will assume you have no intention on resolving your debt and will have no choice but to advise our client as to what other legal recourse they may have, most notably, commencing a legal action in order to obtain and enforce a court ordered judgement. In the event a judgement is filed against you, your wages may be garnished and personal property put in jeopardy."


11. On June 16, 2004, employee for Defendant contacted Plaintiffs four times.

1 E. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k; and

2 F. For such other relief that the Court may deem just and proper.

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5 DATED this 4th day of January, 2005.

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7 By


Keith D. Karnes, OSB # 03352
of Attorneys for Plaintiffs